

S.B. CIVIL WRIT PETITION NO.734/2005

Bhanwar Lal vs. Krishna Gopal and another.

Date : 7.2.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. Anil Kaviraj, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner is aggrieved against the order dated 1.2.2003 by which the trial court determined the interim rent of the suit premises after holding that prima-facie the plaintiff has proved the relationship of landlord and tenant between the plaintiff and defendant.

Learned counsel for the petitioner submits that the documents are forged one and they cannot be relied upon. It is also submitted that in fact, the petitioner is owner of the property in dispute and for this, he produced some documents.

According to learned counsel for the petitioner, the plaintiff did not utter a single word that he is owner of the property in dispute.

I have considered the submissions of learned counsel for the petitioner.

It appears that the trial court after careful consideration of the facts and the documents placed on the record namely, rent deed and receipts, held that

there are sufficient evidence available on the record to prove the relationship of landlord and tenant prima-facie. The trial court also observed that in view of the receipts, the rent of the premises appears to be Rs.2,500/- per month. After holding so, the trial court determined the rent and directed the petitioner to deposit the determined rent.

Under Article 227 of the Constitution of India, the factual questions cannot be re-examined where there is prima-facie some evidence available in support of the facts. As such, this Court is not inclined to entertain the impugned order.

Accordingly, this writ petition, having no merit, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya